

IN THE UNITED STATES MIDDLE
OF ALABAMA

Courtney Boyd #208921
Plaintiff

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VS.

Case NO. 2:07-CV-403-MEF
[WO] DISTRICT ALA

J. W. SOLOMON
Defendant

Objection TO The Magistrate

Recommendation Entered 5-18-07

Comes Now, The plaintiff, Courtney Boyd, moves
into this Honorable Court Objecting to the Magistrate
Judge Recommendation. The Plaintiff Submit the
following in support;

1. The plaintiff filed his suit on May 2, 2007, and not
January 24, 2001, because up until June 6, 2006, he did
not know, there was never a Complaint signed by the Victim.
The plaintiff only found this out, when he wrote the
"Alabama State Bar, Concerning this document." They sent
him a letter of what Mr. Durant my trial counsel sent
them back in July 14, 2002, which he said he provided the
plaintiff which all of his discovery. It was then the
plaintiff found out that he never had a Criminal Complaint signed
by the Victim. Therefore, This Suit was only filed 11 months
After, the plaintiff found out this information. See Exhibit A,
which is a copy of the letter from the Alabama State Bar."

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2. The plaintiff, is suing the Defendant for an negligence acted, which constitutes a violations of my 8th & 14th Amendment. The United States Constitutions protects against "Cruel & Unusual Punishment" and A right to Due process Clause, and Equal protection of right. *Moore vs. United States Pipe & Foundry Co.* 384 So.2d 1108 "That the One Years Statute limitations for negligence actions did not bar suit filed three years after allegedly negligence, because liability did not occur until seven months prior to filing of the suit.
3. The Statute of limitations in fraud cases expires one year after the fraud is ~~discovered~~ ^{actually} discovered or should have been discovered. (Ala. Code 6-2-3 1975). The Statute of limitations in fraud begins to run when the plaintiff learns facts which would provoke inquiry by a person of ordinary Prudence and, by simple investigation of the facts, the fraud would have been discovered. See Title 6-2-3 Code of Ala. 1975.
4. The Plaintiff request that Judgment is set aside and the Defendant be served with a copy of the Complaint, because the plaintiff did not discover this information until June 6 2006. See Exhibit A.

Pugh

5. The plaintiff argues that the Defendant negligence acted, was done willfully, maliciously, illegally, fraudulently, in bad faith beyond authority. See Phillips vs. Thomas 555 So.2d 81 (Ala. 1989),

6. The plaintiff argues that a Complaint Seeking damages from State Official or employee for personal injury arising out of negligence performance of official duties, state valid Cause of action will survive Motion for dismissal and judgment on pleading even if defendant raises affirmative defense of qualified immunity. See *Phillips vs. Thomas* Supri

7. Therefore, The Plaintiff prays that this Honorable Court will set aside its Judgement entered on 5-18-07, because He did not find ^{the} Knowledge out until June 6, 2006, and filed his suit 11 months after.

Conclusion

The Plaintiff did not know the information until June 6, 2006, which is within the two years limitations prior, of him having knowledge of there was never a Criminal Complaint signed by the victim.

Relief Sought

I, the plaintiff, prays that this Honorable Court will set aside its judgment entered on 5-18-07, and serving the Defendant with a copy of the Complaint.

Certificate of Service

I, hereby certify that I have served a copy of the foregoing upon the Middle District, by placing it into Ratterling Court, Fed. Mail Box on 5-22-07.

Courtney [Signature]

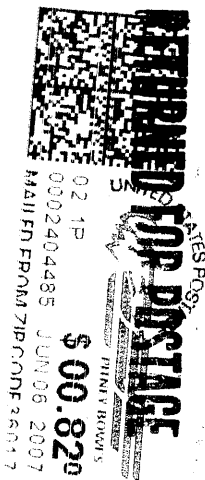
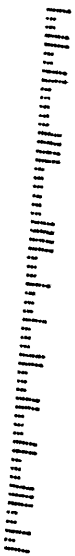
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LEGAL USE ONLY

Lawrence Boyd #208921 B-1-11
EASTERLING CORRECTIONAL FACILITY
200 WALLACE DRIVE
CLIO, ALABAMA 36017

This correspondence is forwarded from
an Alabama State Prison. The contents have
not been evaluated, and the Alabama Department
of Corrections is not responsible for the substance
or content of the enclosed communication. " 5007

United States District Court
P.O. Box 711
Montgomery, AL
36101



IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

Courtney Boyd
Plaintiff
vs.

J. W. Solomon
Defendant

Case NO: 2:07-CV-403-MEF
[LW]

AFFIDAVIT

I, Courtney Boyd, after being full sworn
deposed as follows:

On June 6, 2006, I, Courtney Boyd, wrote a letter
to the Alabama State Bar, requesting that my trial ~~attorney~~
Counsel send me all of my discovery, because the information
sent on July 10, 2002, did not have a complaint from the
Victim. He advised the Bar that he has provided me
with all of my discovery. It was at this time I found out
that J. W. Solomon had willfully, maliciously, illegally,
fraudulently done this. In bad faith, he signed an Affidavit
and Warrant of Arrest, when the victim did not want to
file charges against me. The plaintiff's file has
sent only 11 months after finding this out, see Exhibit A
pursuant to 28 U.S.C. Section 1796, I, Courtney Boyd
do hereby sign this under the penalty of perjury that the
forgoing is true and corrected. Executed on May 22, 2007.

Courtney Boyd

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ALABAMA STATE BAR
THE DISCIPLINARY COMMISSION
TELEPHONE 334-269-1515
P.O. BOX 671
MONTGOMERY, AL 36101

FAX: 334/261-6311

DELIVERY ADDRESS:
415 DEXTER AVENUE
MONTGOMERY, AL 36104

June 6, 2006

Mr. Courtney Boyd
A.I.S. #208921 6-B-28
200 Wallace Drive
Clio, AL 36017

Re: CSP No. 01-1058(A)
Complaint against Winston D. Durant

Dear Mr. Boyd:

We are in receipt of your letter of May 31, 2006 concerning your request for certain file documents from Mr. Durant. Enclosed please find copy of a letter dated July 10, 2002 from Mr. Durant to you wherein he advised that he was enclosing copies of all discovery provided to him in your criminal case.

Sincerely,

OFFICE OF GENERAL COUNSEL
ALABAMA STATE BAR

A handwritten signature in black ink, appearing to read "L. H. Boyd" followed by a stylized "A" with a checkmark-like flourish.